

JOURNAL OF THE SENATE [March 8, 1972]

STATE OF WISCONSIN

# Senate Journal

Eightieth Session

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WEDNESDAY, March 8, 1972.

9:00 o'clock A.M.

The senate met.

The senate was called to order by the president of the senate.

Prayer was offered by the Reverend Paul W. Krause, Pastor of St. Pauls Lutheran Church of Madison.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—29.

Absent—Senators LaFave, Lipscomb and Thompson—3.

Absent with leave—Senator Kendzierski—1.

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## AMENDMENTS OFFERED

Senate amendment 35 to Assembly Bill 1057 by Senators Heinzen and Lotto.

Senate amendment 36 to Assembly Bill 1057 by Senator Devitt.

Senate amendment 37 to Assembly Bill 1057 by Senator Murphy.

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Senate substitute amendment 1 to Senate Bill 909 by Senator McKenna.

Senate amendment 2 to Senate Bill 282 by Senator Swan.

Senate substitute amendment 1 to Senate Bill 936 by Senators Risser, McKenna, Whittow and Thompson.

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### INTRODUCTION OF RESOLUTIONS

#### Senate Resolution 57

Relating to additional stationery for members and officers of the senate.

*Resolved by the senate*, That the department of administration is requested to supply not exceeding 4,000 sheets of letterhead paper, as requested by each member or officer of the senate, with the name, address and district of the member printed on the paper, and not exceeding 4,000 envelopes with return addresses printed thereon, to be furnished to the lieutenant governor and to each member, the chief clerk and the sergeant-at-arms of the senate. If so requested by the member or officer, the letterhead paper shall be recycled paper.

By Senators Risser and Keppler.

Read.

The question was: Adoption of Senate Resolution 57?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 4; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—29.

Noes—None.

Absent or not voting—Senators Kendziorski, LaFave, Lipscomb and Thompson—4.

So the resolution was adopted.

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## BILLS INTRODUCED

Read first time and referred:

### **Senate Bill 939**

Relating to payment for certain work required by a county expressway commission.

By Senator Whittow, by request of the City of Milwaukee.

To committee on Transportation.

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## COMMITTEE REPORTS

The committee on Commerce, Labor, Taxation, Insurance and Banking reports and recommends:

### **Assembly Bill 253**

Relating to the lending area of a savings and loan association.

Concurrence; Ayes, 5; Noes, 0.

GERALD D. LORGE,  
Chairman.

The committee on Governmental and Veterans' Affairs reports and recommends:

### **Assembly Bill 665**

Relating to various state financial matters, date processing and granting rule-making authority.

Concurrence; Ayes, 4; Noes, 0.

### **Senate Joint Resolution 119**

Relating to urging President Nixon to make strong representations on behalf of Soviet Jews in his upcoming visit to the Soviet Union.

Adoption; Ayes, 4; Noes, 0.

### **Assembly Bill 332**

Relating to parking privileges for disabled veterans.

Concurrence; Ayes, 4; Noes, 0.

GORDON W. ROSELEIP,  
Chairman.

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**PETITIONS AND COMMUNICATIONS**

**Senate Petition 279**

A petition by 27 residents of Wisconsin indicating their opposition to **Senate Bill 138**, relating to state grants for students attending private schools.

By Senator Lorge.

Read and referred to committee on Education.

**Senate Petition 280**

A petition by 19 concerned citizens of the 32nd Senatorial District opposing that portion of **Assembly Bill 1477** which would in any way alter the status of the Department of Veterans' Affairs.

By Senator Knutson.

Read and referred to committee on Governmental and Veterans' Affairs.

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**MESSAGE FROM THE ASSEMBLY**

By Thomas P. Fox, chief clerk.

**Mr. President:**

I am directed to inform you that the assembly has adopted and asks concurrence in:

Motions Under Joint Rule 26:

A joint certificate of Congratulations by Representatives G. K. Johnson, Mielke and Mittness; co-sponsored by Senator Swan for Miss Sandi Torkilson on her contest victory.

A joint certificate of Congratulations by Representative G. K. Johnson; co-sponsored by Senator Swan for Miss Frances Clark on the dedication of the new Beloit Public Library.

A joint certificate of Condolence by Representative Willkom; co-sponsored by Senator Peloquin for The Family of Sylvia Raihle on the occasion of her death.

**Assembly Joint Resolution 162**

Passed and asks concurrence in:

**Assembly Bill 629**

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**Concurred in:**

**Senate Bill 442,  
Senate Bill 669 and  
Senate substitute amendment 1 to Assembly Bill 210.**

**Amended and concurred in as amended:**

**Senate Bill 886 (assembly amendment 10 adopted), (assembly amendment 14 adopted), (assembly amendment 18 adopted), (assembly amendment 20 adopted), (assembly amendment 22 adopted) and (assembly amendment 24 adopted).**

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### **MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Motions under Joint Rule 26,**

**A joint certificate of Congratulations by Representatives G. K. Johnson, Mielke and Mittness; co-sponsored by Senator Swan for Miss Sandi Torkilson on her contest victory.**

**A joint certificate of Congratulations by Representatives G. K. Johnson; co-sponsored by Senator Swan for Miss Frances Clark on the dedication of the new Beloit Public Library.**

**A joint certificate of Condolence by Representative Willkom; co-sponsored by Senator Peloquin for the family of Sylvia Raihle on the occasion of her death.**

**The above motions under Joint Rule 26, were read and concurred in en masse.**

### **Assembly Joint Resolution 162**

**Relating to the life and public service of Joseph Walsh.  
Read and concurred in by unanimous rising vote.**

### **Assembly Bill 629**

**Relating to air pollution and the department of natural resources, and making an appropriation.**

**By Representatives Mittness, Tobiasz, Brown, Nager, Conta, R. M. Thompson, Schneider and Jackamonis; co-sponsored by Senators Dorman and Risser.**

**Read and referred to committee on Natural Resources.**

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**Senate Bill 886** (assembly amendment 10 adopted), (assembly amendment 14 adopted), (assembly amendment 18 adopted), (assembly amendment 20 adopted), (assembly amendment 22 adopted) and (assembly amendment 24 adopted).

Read and referred to calendar with the above amendments pending.

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### LEAVE OF ABSENCE

By request of Senator Risser, with unanimous consent, Senator Lipscomb was granted a leave of absence for the balance of the day's session.

By request of Senator Keppler, with unanimous consent, **Senate Bill 936** was made a special order of business at 9:00 A.M. and **Senate Bill 934** at 9:01 A.M.

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### SPECIAL ORDERS

#### **Assembly Bill 1057**

Relating to enactment of the Wisconsin consumer act and repealing inconsistent laws thereto, granting rule-making authority and providing penalties.

Read a second time.

By request of Senator Lorge, with unanimous consent, senate amendment 36 to **Assembly Bill 1057** was considered for action at this time.

The question was: Adoption of senate amendment 36 to **Assembly Bill 1057**?

So the amendment was adopted.

The question was: Adoption of senate amendment 2 to **Assembly Bill 1057**?

Senator Heinzen asked unanimous consent that senate amendment 2 be laid on the table.

Senator Murphy objected.

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Senator Heinzen moved that senate amendment 2 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—17.

Noes—Senators Bidwell, Cirilli, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—14.

Absent or not voting—Senators Kendziorski and Lipscomb—2.

The motion prevailed.

The question was: Adoption of senate amendment 3 to **Assembly Bill 1057?**

Senator Heinzen moved that senate amendment 3 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, LaFave, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—21.

Noes—Senators Bidwell, Johnson, Keppler, Knutson, Krueger, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—11.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

By request of Senator Swan, with unanimous consent, senate amendment 34 to **Assembly Bill 1057** was considered for action at this time.

The question was: Adoption of senate amendment 34 to **Assembly Bill 1057?**

Senator McKenna moved rejection.

Senator Heinzen moved that the amendment be laid on the table.

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The ayes and noes were demanded and the vote was: ayes, 13; noes, 18; absent or not voting, 2; as follows:

Ayes—Senators Dorman, Frank, Heinzen, Hollander, Knowles, Krueger, Lipscomb, Lorge, Lourigan, McKenna, Martin, Risser and Thompson—13.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Johnson, Keppler, Knutson, LaFave, Lotto, Murphy, Parys, Peloquin, Roseleip, Schuele, Soik, Steinhilber and Swan—18.

Absent or not voting—Senators Kendziorski and Whittow—2.

The motion did not prevail.

The question was: Rejection of senate amendment 34 to **Assembly Bill 1057?**

The ayes and noes were demanded and the vote was: ayes, 19; noes, 11; absent or not voting, 1; paired, 2; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Heinzen, Hollander, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Thompson and Whittow—19.

Noes—Senators Bidwell, Cirilli, Johnson, Keppler, Knutson, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan.—11.

Absent or not voting—Senator Schuele—1.

Paired—Senator Frank for rejection, Senator Kendziorski against rejection—2.

The motion prevailed.

The question was: Adoption of senate amendment 4 to **Assembly Bill 1057?**

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 10; absent or not voting, 6; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Heinzen, Hollander, Knowles, Krueger, Lipscomb, Lorge, Lourigan, McKenna, Parys, Peloquin, Risser, Thompson and Whittow—17.

Noes—Senators Bidwell, Johnson, Keppler, Knutson,



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**Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—10.**

**Absent or not voting—Senators Cirilli, Frank, Kendzior-ski, LaFave, Martin and Schuele—6.**

**The motion prevailed.**

**Senator Hollander in the chair.**

**10:15 A.M.**

**By request of Senator Lorge, with unanimous consent, senate amendment 7 to Assembly Bill 1057 was withdrawn and returned to the author.**

**The question was: Adoption of senate amendment 8 to Assembly Bill 1057?**

**Senator McKenna moved rejection.**

**The ayes and noes were demanded and the vote was: ayes, 16; noes, 13; absent or not voting, 4; as follows:**

**Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, Knowles, Lipscomb, Lotto, McKenna, Parys, Peloquin, Thompson and Whittow—16.**

**Noes—Senators Bidwell, Cirilli, Johnson, Knutson, Krueger, Lorge, Lourigan, Murphy, Risser, Roseleip, Soik, Steinhilber and Swan—13.**

**Absent or not voting—Senators Kendziorski, LaFave, Martin and Schuele—4.**

**The motion prevailed.**

**The question was: Adoption of senate amendment 10 to Assembly Bill 1057?**

**Senator McKenna moved rejection.**

**The ayes and noes were demanded and the vote was: ayes, 19; noes, 10; absent or not voting, 4; as follows:**

**Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, Krueger, LaFave, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele and Thompson—19.**

**Noes—Senators Bidwell, Johnson, Keppler, Knutson, Lorge, Lotto, Murphy, Roseleip, Soik and Swan—10.**

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Absent or not voting—Senators Kendziorski, Lipscomb, Steinhilber and Whittow—4.

The motion prevailed.

President of the senate in the chair.

10:25 A.M.

The question was: Adoption of senate amendment 11 to Assembly Bill 1057?

Senator McKenna moved rejection.

The motion prevailed.

The question was: Adoption of senate amendment 12 to Assembly Bill 1057?

Senator McKenna moved rejection.

By request of Senator Heinzen, with unanimous consent, senate amendment 12 was laid on the table.

The question was: Adoption of senate amendment 13 to Assembly Bill 1057?

Senator McKenna moved rejection.

The motion prevailed.

The question was: Adoption of senate amendment 14 to Assembly Bill 1057?

Senator McKenna moved rejection.

The motion prevailed.

The question was: Adoption of senate amendment 15 to Assembly Bill 1057?

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 10; absent or not voting, 5; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Heinzen, Hollander, Knowles, Krueger, Lipscomb, Lorge, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—18.

Noes—Senators Bidwell, Cirilli, Johnson, Keppler, Knutson, LaFave, Lourigan, Murphy, Roseleip and Swan—10.

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Absent or not voting—Senators Frank, Kendziorski, Lotto, Soik and Steinhilber—5.

The motion prevailed.

The question was: Adoption of senate amendment 16 to Assembly Bill 1057?

Senator McKenna moved rejection.

The motion prevailed.

The question was: Adoption of senate amendment 17 to Assembly Bill 1057?

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 12; absent or not voting, 3; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Heinzen, Hollander, Knowles, LaFave, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele and Thompson—18.

Noes—Senators Bidwell, Cirilli, Johnson, Keppler, Knutson, Krueger, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—12.

Absent or not voting—Senators Frank, Kendziorski and Whittow—3.

The motion prevailed.

The question was: Adoption of senate amendment 18 to Assembly Bill 1057?

Senator McKenna moved rejection.

By request of Senator Cirilli, with unanimous consent, senate amendment 18 was laid on the table.

The question was: Adoption of senate amendment 19 to Assembly Bill 1057?

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 12; absent or not voting, 4; as follows:

Ayes—Senators Bidwell, Busby, Cirilli, Dorman, Frank, Hollander, Krueger, Lipscomb, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele and Thompson—17.

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**Noes—Senators Chilsen, Devitt, Johnson, Keppler, Knowles, Knutson, Lorge, Lourigan, Murphy, Soik, Steinhilber and Swan—12.**

**Absent or not voting—Senators Heinzen, Kendziorski, LaFave and Whittow—4.**

**The motion prevailed.**

**The question was: Adoption of senate amendment 20 to Assembly Bill 1057?**

**Senator McKenna moved rejection.**

**The motion prevailed.**

**The question was: Adoption of senate amendment 21 to Assembly Bill 1057?**

**Senator McKenna moved rejection.**

**The motion prevailed.**

**The question was: Adoption of senate amendment 22 to Assembly Bill 1057?**

**Senator McKenna moved rejection.**

**The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 2; as follows:**

**AYes—Senators Bidwell, Busby, Devitt, Dorman, Frank, Heinzen, Lipscomb, Lourigan, McKenna, Parys, Risser, Schuele, Thompson and Whittow—14.**

**Noes—Senators Chilsen, Cirilli, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—17.**

**Absent or not voting—Senators Kendziorski and Peloquin—2.**

**The motion did not prevail.**

**Senator Dorman in the chair.**

**11:05 A.M.**

**Senate amendment 1 to senate amendment 22 to Assembly Bill 1057 offered by Senator McKenna.**

**Senator Murphy moved rejection.**

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Senator Risser moved a

### CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Thompson—29.

Absent—Senators Knowles and Whittow—2.

Absent with leave—Senators Johnson and Kendziorski—2.

By request of Senator Chilsen, with unanimous consent, the senate returned to the third, fifth, sixth and ninth orders of business.

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### INTRODUCTION OF RESOLUTIONS

#### Senate Joint Resolution 120

Relating to recesses in the meetings of the 1971 legislature.

By Senators Keppler and Risser; co-sponsored by Representatives Anderson and Froehlich.

Read.

By request of Senator Parys, with unanimous consent, the joint resolution was laid aside.

#### Senate Joint Resolution 121

Relating to authorizing state appropriations for low- and moderate-income housing projects (1st consideration).

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**By Senator Knutson.**

**Read first time.**

**Referred to committee on Judiciary.**

**President of the senate in the chair.**

**11:35 A.M.**

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## **COMMITTEE REPORTS**

**The committee on Housing and Urban Development reports and recommends:**

### **Senate Bill 925**

**Relating to authorization for the establishment of interstate metropolitan councils.**

**Passage; Ayes, 5; Noes, 0.**

**ARTHUR A. CIRILLI,  
Chairman.**

## **REPORT OF THE COMMITTEE OF CONFERENCE ON ASSEMBLY BILL 63**

**March 8, 1972.**

**The members of the committee of Conference on 1971 Assembly Bill 63 report and recommend:**

**(1) That the senate adhere to its position on senate amendment 1; and**

**(2) That the assembly recede from its position on senate amendment 1 and concur in the amendment.**

**Sen. Walter John Chilsen**

**Sen. Jack D. Steinhilber**

**Sen. Joseph Lourigan**

**Rep. Midge Miller**

**Rep. Janet S. Mielke**

**Rep. James N. Azim**

**Senator Chilsen moved adoption of the report.**

**The motion prevailed and the report was adopted.**

**Ordered immediately messaged.**

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## PETITIONS AND COMMUNICATIONS

To the Honorable, the Senate  
State Capitol  
Madison, Wisconsin 53702

Dear Senators:

By Senate Resolution 50, you have requested my opinion "as to under what conditions a city school board may be legally empowered to employ legal counsel without prior consent of the common council."

Your resolution further states that you have, under consideration, legislation which would authorize a joint city district to hire legal counsel or to use the services of the city attorney, and reimburse the city for such services.

Section 120.41, Wis. Stats., provides, among other things, that ". . . Every city operating a school system under this subchapter is a single and separate school district, but the school system does not constitute a separate legal entity. . . ."

Since a city school district (whether a joint city school district or not) is not a separate legal entity, it or its school board would not have power to employ an attorney to represent it unless specifically authorized by statute.

Section 120.49, Stats., lists eleven powers and duties of the school board of a city school district. The power to hire legal counsel is not among those delegated to the city school board. Under the usual rules of statutory construction, such an enumeration generally restricts the delegation of authority to those powers specifically enumerated, or which may reasonably be implied to carry out the enumeration of statutory powers.

This does not mean that the city itself might not employ special counsel, or otherwise make specific arrangements for legal service to the city school district. In *Jaynes v. Stockton* (1961), 193 Cal. App. 2d 47, 14 Cal. Rptr. 49, the court held that a public agency, such as a school district created by statute, may not contract and pay for legal services which the law requires a designated public official to perform, unless the authority to do so clearly appears from

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the powers expressly conferred, or unless the services are unavailable for reasons beyond the agency's control, such as inability, refusal or disqualification of the public official to act.

And, in *Kay v. Board of Higher Education* (1940), 260 App. Div. 9, 20 N.Y.S. 2d 898, the court held that the authority of the New York City Corporation Council to conduct all of the law business of the city of New York and its *agencies* was exclusive, subject to fraud, collusion or corruption on the part of the Corporation Council, or the existence of a conflict of interest. In such exceptions, the court held that city officers or agencies may retain private counsel. However, under the facts of the above case, the board was not entitled to hire private counsel to appeal an order setting aside the appointment of Bertrand Russell, as a professor of philosophy in the college of the city of New York.

Therefore, it is my opinion that under existing law in Wisconsin, a city school board, whether or not joint, may hire separate counsel only upon the terms and conditions as set forth in the above-cited cases.

It is my further opinion that legislation may authorize a joint city district to hire legal counsel as proposed by **Senate Bill 270**. However, counsel employed by the school district pursuant to such legislation must be constantly aware of the fact that the city school district is not a legal entity separate from the city, and that this fact may well raise problems in the manner in which he renders services. For example, a policy respecting litigation would, in most instances, not be under the control of the school board since the city would be the party in any legal action.

Sincerely yours,

ROBERT W. WARREN,  
Attorney General.

Caption: Conditions under which a joint city school district may employ legal counsel discussed. Legislature may authorize employment of counsel by joint city school district.



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**MOTION UNDER JOINT RULE 26**

**The State of Wisconsin \* \* \* Citation by the Legislature  
Know you by these presents:**

**Whereas, UW-Blugolds are ranked number one among the small colleges and universities throughout the country as members of the N.A.I.A. (National Association of Intercollegiate Athletics); and**

**Whereas: UW-Eau Claire have earned an overall record of wins and losses of 23-1; and**

**Whereas: The UW-Blugold closed out the season with a perfect 16-0 record; and**

**Whereas: By posting their second straight undefeated conference season, the Blugolds have won 41 straight games and their 3rd straight conference title; now, therefore,**

**The Members of the Wisconsin Legislature, on the motion of Senator Johnson and Representative Looby, under Joint Rule 26, congratulate the UW-Blugolds on the completion of one of the finest seasons ever completed by a member of the UW conference and offer Coach Anderson and his fine team their best wishes for a fine finish in the N.A.I.A. national tournament.**

**Read and adopted.**

**All members now being present the question was: Rejection of senate amendment 1 to senate amendment 22 to Assembly Bill 1057?**

**The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:**

**Ayes—Senators Bidwell, Cirilli, Johnson, Keppler, Knowles, Knutson, LaFave, Lotto, Murphy, Roseleip, Schuele, Soik, Steinhilber and Swan—14.**

**Noes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Krueger, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Thompson and Whittow—18.**

**Absent or not voting—Senator Kendzierski—1.**

**The motion did not prevail.**

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**The question was: Adoption of senate amendment 1 to senate amendment 22 to Assembly Bill 1057?**

**So the amendment was adopted.**

**Senator Heinzen moved rejection of senate amendment 22 to Assembly Bill 1057.**

**The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:**

**Ayes—Senators Busby, Dorman, Frank, Heinzen, Lipscomb, Lotto, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—14.**

**Noes—Senators Bidwell, Chilsen, Cirilli, Devitt, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—18.**

**Absent or not voting—Senator Kendziorski—1.**

**The motion did not prevail.**

**The question was: Adoption of senate amendment 22 to Assembly Bill 1057?**

**So the amendment was adopted.**

**The question was: Adoption of senate amendment 23 to Assembly Bill 1057?**

**Senator McKenna moved rejection.**

**The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:**

**Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—23.**

**Noes—Senators Bidwell, Johnson, Keppler, Knutson, Murphy, Roseleip, Soik, Steinhilber and Swan—9.**

**Absent or not voting—Senator Kendziorski—1.**

**The motion prevailed.**

**The question was: Adoption of senate amendment 24 to Assembly Bill 1057?**

**Senator Lorge moved rejection.**

**The motion prevailed.**

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The question was: Adoption of senate amendment 25 to Assembly Bill 1057?

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—21.

Noes—Senators Bidwell, Cirilli, Johnson, Keppler, Knutson, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—11.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

By request of Senator Roseleip, with unanimous consent, senate amendment 26 to Assembly Bill 1057 was withdrawn and returned to the author.

The question was: Adoption of senate amendment 33 to Assembly Bill 1057?

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, Lipscomb, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—21.

Noes—Senators Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Murphy, Roseleip, Soik, Steinhilber and Swan—11.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

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## LEAVE OF ABSENCE

By request of Senator Schuele, with unanimous consent, he was granted a leave of absence from 2:00 to 2:30 P.M.

## JOURNAL OF THE SENATE [March 8, 1972]

By request of Senator Keppler, with unanimous consent, the call of the senate was raised.

Upon motion of Senator Keppler the senate recessed until 2:00 P.M.

12:30 P.M.

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### RECESS

2:00 P.M.

The senate reconvened.

The question was: Adoption of senate amendment 35 to Assembly Bill 1057?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Heinzen, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—18.

Noes—Senators Busby, Dorman, Frank, Hollander, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—14.

Absent or not voting—Senator Kendziorski—1.

So the amendment was adopted.

The question was: Adoption of senate amendment 37 to Assembly Bill 1057?

Senator McKenna moved rejection.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, Krueger, LaFave, Lipscomb, Lorge, McKenna, Martin, Parys, Peloquin, Schuele, Thompson and Whittow—19.

Noes—Senators Bidwell, Cirilli, Johnson, Keppler, Knutson, Lotto, Lourigan, Murphy, Risser, Roseleip, Soik, Steinhilber and Swan—13.

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**Absent or not voting—Senator Kendziorski—1.**

**The motion prevailed.**

Senator Chilsen moved reconsideration of the vote by which senate amendment 35 to Assembly Bill 1057 was adopted.

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Dorman, Frank, Hollander, Lipscomb, Lourigan, McKenna, Martin, Parys, Pelouquin, Risser, Schuele, Thompson and Whittow—15.

Noes—Senators Bidwell, Cirilli, Devitt, Heinzen, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—17.

**Absent or not voting—Senator Kendziorski—1.**

**The motion did not prevail.**

### **Assembly Bill 1057**

**Ordered to a third reading.**

Senator Johnson asked unanimous consent that the bill be considered for final action at this time.

Senator Murphy objected.

Senator Heinzen moved that the bill be considered for final action at this time.

The ayes and noes were required and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Pelouquin, Risser, Schuele, Soik, Thompson and Whittow—25.

Noes—Senators Bidwell, Johnson, Knutson, Murphy, Roseleip, Steinhilber and Swan—7.

**Absent or not voting—Senator Kendziorski—1.**

**More than two-thirds having voted in the affirmative, the motion prevailed.**

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Senator Hollander in the chair.

3:05 P.M.

President of the senate in the chair.

3:20 P.M.

**Assembly Bill 1057**

Read a third time.

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Keppler, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—20.

Noes—Senators Bidwell, Cirilli, Hollander, Johnson, Knowles, Knutson, LaFave, Martin, Murphy, Roseleip, Steinhilber and Swan—12

Absent or not voting—Senator Kendziorski—1.

So the bill was concurred in as amended.

Senator Keppler asked unanimous consent that the bill be ordered immediately messaged.

Senator Murphy objected.

Senator Lorge moved reconsideration of the vote by which **Assembly Bill 1057** was concurred in.

The motion did not prevail.

Senator Lorge moved that **Assembly Bill 1057** be ordered immediately messaged.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—27.

Noes—Senators Bidwell, Murphy, Roseleip, Steinhilber and Swan—5.

Absent or not voting—Senator Kendziorski—1.

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More than two-thirds having voted in the affirmative the motion prevailed.

Upon motion of Senator Keppler the senate recessed until 4:44 P.M.

3:40 P.M.

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### RECESS

4:44 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

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### AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 909** by Senator Schuele.

Senate amendment 6 to **Senate Bill 914** by Senator Swan.

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Upon motion of Senator Risser the senate adjourned until 9:00 A.M., Thursday, March 9.

4:45 P.M.

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### INTRODUCTION OF GUESTS

Senator Soik introduced 140 Government and Social Science students of Whitefish Bay High School, Whitefish Bay, Wisconsin.

Senator Swan introduced the 7th grade civics class of Brother Dutton School with Miss Streveler, Mrs. Fillion and Sister Charlotte, Beloit, Wisconsin.

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Senator Bidwell introduced 29 students from the 7th grade of St. Joseph School with teacher Mrs. Gerald Drescher and chaperones, Mrs. Marousek, Mrs. Schreiber, Mrs. Johnson, Mrs. Lee, Miss Miner, Miss Massong, Mrs. Becker, Mrs. Budig, Mrs. Sonsalla, Baraboo, Wisconsin.

Senator Risser introduced 35 students of St. Dennis School with Mrs. Burckel, Madison, Wisconsin.

Senator Devitt introduced students of St. Sebastian Church, Milwaukee, Wisconsin.

Senator Bidwell introduced the 7th and 8th grades of St. Cecilia School with Miss Durkin, Sister Colleen, Mrs. Borbowski, Mrs. Holzum and Mrs. Kozlowski, Wisconsin Dells, Wisconsin.

Senator Roseleip introduced the 7th grade Civics Class of Cassville Elementary School with Mrs. Grimm, Cassville, Wisconsin.

Senator Thompson introduced the 7th grade of McFarland School with Mr. Wichmann, Mr. Van Wormer, Mrs. Brandt and Mrs. Winer, McFarland, Wisconsin.

Senator Soik introduced Attorney and Mrs. Ewen Schwemer, Fox Point, Wisconsin.

Senator Devitt introduced Edward Olszyk, President of the Milwaukee Teachers Retirement Fund Association, Greendale, Wisconsin.

Senator Risser introduced 30 students of Edgewood High School with Sister Ann Marie Palrusano.

Lieutenant Governor Schreiber introduced Michael F. Brozek, state vice-president, Young Democrats, Phillips, Wisconsin.